



United States Department of the Interior

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US EPA RECORDS CENTER REGION 5



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Mr. F. Henry Habicht, II
Assistant Attorney General
Land and Natural Resources Division
Department of Justice
10th & Constitution Avenue, N.W. Room 2143
Washington, D.C. 20530

Attention: David Hird, Attorney
Environmental Enforcement Section

Re: United States v. Reilly Tar & Chemical Corp — Remedial Action Plan Review

Dear Mr. Hird:

In response to your request, we have reviewed the Remedial Action Plan for the Reilly Tar Site, St. Louis Park, Hennepin County, Minnesota. We still have concerns that have not been addressed. Remnant wetlands offer the potential for migratory waterfowl to develop contaminant burdens not only dangerous to themselves, but posing some dietary risk to the hunting public.

In our May 6, 1985, letter to Gene Lucero, Director, Office of Waste Program Enforcement, U.S. Environmental Protection Administration, we expressed the concern that potentially harmful levels of PAHs may exist in several remnant wetland areas in the vicinity of the site proper. The RAP recognizes that off-site areas, including the wetlands in question, may be contaminated by coal tar derivatives, but the measures to address or deal with the problem come late in the remedial process, and the measures proposed are not likely to be adequate. For example, a soil investigation required for the purpose of detecting near-surface contamination (Part 11.1.1. on page 68) would be conducted entirely south of Lake Street, but all of the remnant wetland areas lie north of Lake Street. The RAP calls for filling the wetlands as a measure to minimize infiltration of precipitation to the underlying groundwater (Part 11.4.3. on page 70), although there appears never to have been an analysis of the PAH concentrations in the sediments, water or biota of the wetlands. If the wetlands in question are in fact contaminated with PAH compounds, allowing those areas to remain unfilled for up to five and one half years (until October 31, 1990) poses an unnecessary and unwarranted risk.

We suggest the following options for dealing with our concerns:

(1) Develop and implement a multimedia contaminants data survey (satisfactory to the Fish and Wildlife Service) at all six wetland sites in question as soon as possible. Results of such a survey, emphasizing PAH contamination of wetland sediments, waters, and waterfowl food items, should be made available for our review no later than October 1, 1985. If we determine that contamination at any of the wetlands represents a potential hazard to waterfowl, then fill the wetland(s) in question before the early spring (March) of 1986.

(2) Speed decisionmaking as to filling wetlands in question along the lines indicated in the plan, by scheduling earlier filling of those that must be filled and applying steps of (1) above promptly to wetlands not otherwise scheduled for filling.

(3) Commit to filling all remnant wetlands in question, appropriately, but promptly.

Expertise from the Fish and Wildlife Service of this Department could be made available to EPA, as was offered in our May 1985 letter to Mr. Lucero, to assist in developing satisfactory work plans and schedules to deal with our concerns.

We appreciate the opportunity to review the Remedial Action Plan.



Bruce Blanchard, Director
Environmental Project Review